



Practitioner's Docket No. 421/75/2

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Dahners

Application No.: 11/672,370

Group No.: 3733

Filed: 09/25/2003

Examiner: Swiger, III, James L.

Confirmation No.: 3033

For: MODIFICATION OF PERCUTANEOUS INTRAFOCAL PLATE SYSTEM

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER TO OBVIATE
A DOUBLE PATENTING REJECTION (37 C.F.R. § 1.321(c))

Identification of Person(s) Making This Disclaimer

I, Richard E. Jenkins, represent that I am the attorney of record.

EXTENT OF DISCLAIMANT'S INTEREST

The extent of the interest in this invention that the disclaimant owns is in the whole of this invention.

Application No.: 11/694,046

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*
(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

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☐ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

☐ with sufficient postage as first class mail.

37 C.F.R. § 1.10*

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Gayle W. Chaney
Signature

Date January 14, 2008

Gayle W. Chaney
(type or print name of person certifying)

* Only the date of filing (' 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under ' 1.8 continues to be taken into account in determining timeliness. See ' 1.703(f). Consider "Express Mail Post Office to Addressee" (' 1.10) or facsimile transmission (' 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

Application No.: 11/672,370

DISCLAIMER

(Obviousness-Type Double Patenting Rejection Over A Prior Patent)

Applicant hereby disclaims, except as provided below, the terminal part of any patent granted on the instant application, which would extend beyond the expiration date of U.S. Patent No. 6,379,359 as presently shortened by any terminal disclaimer. Applicant hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the above-listed patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. Sections 154 to 156 and 173 of the patent forming the basis of the double patenting rejection, namely, U.S. Patent No. 6,379,359 as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. Section 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

OWNER

The instant application is wholly owned by the University of North Carolina, of Chapel Hill, North Carolina.

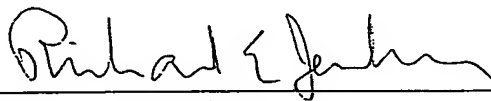
DISCLAIMER FEE (37 C.F.R. § 1.20(d))

Applicant qualifies as a small entity. A statement was already filed. Fee is \$65.00.

FEE PAYMENT

Attached is a check which includes the disclaimer fee of \$65.00.

Date: January 14, 2008



Signature of Practitioner

Richard E. Jenkins

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